

## AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A device for use in a cardiovascular surgery to stabilize ~~on~~ the beating heart comprising:

a shaft having a proximal end portion and a distal end portion;

means for stabilizing the beating heart comprising a contact member attached to said distal end portion of said shaft, said contact member comprising a flexible main body having a contact surface and an elongated malleable member extending along a length of said flexible main body member;

wherein said malleable member is shapeable to engage the surface of the beating heart, wherein said malleable member is continuously adjustably shapeable by manipulation thereof to a desired shape, and wherein upon release of manipulation forces, said malleable member maintains said desired shape and maintains said a contact surface of said contact member in said desired shape is variably shapeable to a plurality of different shapes; and

wherein said shaft has sufficient strength to withstand a stabilizing force exerted on the heart via manipulation or fixation of said shaft to cause said contact member to exert a stabilizing force on the beating heart ~~means for introducing a positive or negative fluid pressure to said contact member, wherein introduction of said positive or negative fluid pressure fixes a present shape of the contact member and contact surface, whereby said introduction of said positive or negative fluid pressure is capable of fixing said contact member and contact surface at any of a plurality of different shapes that said contact member and contact surface are capable of being shaped into prior to said introducing a positive or negative fluid pressure.~~

Claims 2-11 (Canceled)

Claims 12 - 13. (Canceled)

Claims 14-45 (Canceled)

46. (Canceled)

Claims 47-52 (Canceled)

53. (Canceled)

Claims 54-57 (Canceled)

58. (Canceled)

Claims 59-189 (Canceled)

Claims 190 - 192. (Canceled)

193. (Canceled)

194. (Canceled)

Claims 195 - 197. (Canceled)

198. (Canceled)

199. (Canceled)

200. (Canceled)

201. (Canceled)

Claims 202 – 211. (Canceled)

Claims 212 - 213. (Canceled)

Claims 214 – 223. (Canceled)

224. (New) The device of claim 1, wherein said contact member is continuously adjustable.

225. (New) The device of claim 1, wherein said contact member further comprises a vacuum lumen connectable to a source of positive or negative fluid pressure.

226. (New) The device of claim 1, wherein said elongated malleable member is substantially cylindrical.

227. (New) The device of claim 1, wherein said elongated malleable member comprises a wire.

228. (New) A device for use in cardiovascular surgery on the beating heart, comprising:  
a shaft member having a distal end portion and a proximal end portion; and  
at least one continuously adjustable contact member connected to said distal end portion of said shaft member and comprising a flexible main body member having a contact surface and an elongated malleable member extending along a length of said flexible main body member;  
wherein said malleable member is shapeable to engage the surface of the beating heart, wherein said malleable member is continuously adjustably shapeable by manipulation thereof to a desired shape, and wherein upon release of manipulation forces, said malleable member maintains said desired shape and maintains said contact surface in said desired shape.

229. (New) The device of claim 228, wherein said contact member further comprises a vacuum lumen connectable to a source of positive or negative fluid pressure.

230. (New) The device of claim 228, wherein said shaft member is configured to assume a rigid configuration in which said shaft member has sufficient strength to withstand a stabilizing force exerted on the heart via manipulation or fixation of said shaft to cause said contact member to exert a stabilizing force on the beating heart.